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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/518,271	12/16/2004	Martin Knespel	AT 020036	3556

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EXAMINER	
HICKS, CHARLES N	

ART UNIT	PAPER NUMBER
2623	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/518,271	KNESPEL ET AL.	
	Examiner	Art Unit	
	Charles N. Hicks	2623	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *16 December 2004*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-15* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-15* is/are rejected.

7)☒ Claim(s) *12* is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *16 December 2004* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date *08/26/2005*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

2. The factual inquiries set forth in *Graham* **v.** *John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

3. Claims 1-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wang (US Patent No. 6,675,385 B1), hereinafter referred to as Wang, in view of Cochran (US 2002/0087971 A1), hereinafter referred to as Cochran.

4. Regarding claim 1, Wang discloses a reception device (4, 5) for receiving and processing a transmission signal (US), with:

reception means (I) for receiving the transmission signal (US), which comprises information data (EPG, VOD) identifying the information content (II) of display information (AI) that can be represented on a display device (6, 7), and which comprises representation-describing data (SK), which identifies the nature of the representation of

information contents (II) to be represented on the display device (6, 7), and with processing means (V) for processing this received data (EPG, SK, VOD) **(fig. 1-3, col. 4, lines 40-50)**;

and delivery means (AM) for delivering a display signal (AS) to the display device (6, 7) for displaying the information content (II), characterized in that the information data (EPG, VOD) and representation-describing data (SK) transmitted in the transmission signal (US) are written in a common Markup Language, but can be transmitted independently of one another in the transmission signal (US), and that the processing means (V) comprise only one parser (P) for processing this received data (EPG, SK, VOD) **(fig. 1-3, col. 4, lines 50-68, col. 5, lines 1-18).**

However Wang fails to disclose the VOD aspect of the received transmission signal. Cochran discloses the VOD aspect of the received transmission signal **(fig. 2, pg. 6, paragraphs 63-65).** Motivation to combine the references is due to the fact that both inventions deal with embedding and transmitting different and specific information in a broadcast signal using a markup language. The invention would have been obvious to one of ordinary skill in the art at the time of the invention.

5. Regarding claim 2, Wang discloses a reception device (4, 5) characterized in that the information data (EPG, VOD) and the representation-describing data (SK) are coded in an Extensible Markup Language, and that the parser (P) is designed for decoding this data (EPG, SK, VOD) **(fig. 1-3, col. 4, lines 41-68)**.

6. Regarding claim 3, Cochran discloses a reception means (4, 5) characterized in that the reception means (I) are designed to receive the transmission signal (US) transmitted in accordance with an HTTP protocol (Hyper Text Transfer Protocol) **(fig. 1-2, pg. 7, paragraph 82)**.

7. Regarding claim 4, Wang discloses a reception device (4, 5) characterized in that the reception means (I) are designed to receive multiple sets of representation-describing data (SK) for one set of information data (EPG, VOD) **(col. 6, lines 5-17)**.

8. Regarding claim 5, Wang discloses a reception device (4, 5) characterized in that the reception means (I) are designed to receive multiple sets of information data (EPG, VOD) for one set of representation-describing data (SK) **(col. 6, lines 5-17)**.

9. Regarding claim 6, Wang discloses a reception device (4, 5) characterized in that the representation-describing data (SK) can be received via a computer network (NET) by a sender device (1, 2, 3) and/or by storage means of the reception device (4, 5) **(fig. 1-2, col. 4, lines 5-50)**.

10. Regarding claim 7, Wang discloses a reception device (4, 5) characterized in that identification data (KD), which identifies the information content (II) of the information data (EPG, VOD), can be received with the reception means (I), and that the reception device (4, 5) is designed to generate the display signal (AS) for selecting a set of

representation-describing data (SK) for a set of information data (EPG, VOD) in accordance with the identification data (KD) **(fig. 1-2, col. 6, lines 1-35)**.

11. Regarding claim 8, Official Notice is taken due to the fact that it is extremely well known in the art to use UDDI as a protocol on the processor of a reception device.

12. Regarding claim 9, Official Notice is taken due to the fact that it is extremely well known in the art to use WSDL for coding on a reception device.

13. Regarding claim 10, Official Notice is taken due to the fact that it is extremely well known in the art to use SOAP protocol on a reception device.

14. Regarding claim 11, Official Notice is taken due to the fact that it is extremely well known in the art to use SMIL coding on a reception device.

15. Regarding claim 12, Wang discloses a sender device (1, 2, 3) for sending a transmission signal (US), with storage means for storing information data (EPG, VOD) identifying the information content (II) of display information (AI) that can be represented on a display device (6, 7), and of representation-describing data (SK), which identifies the nature of the representation of information contents (II) to be represented on the display device (6, 7) **(fig. 1-2, col. 3, lines 29-60)**,

and with: processing means (V) for processing the stored data (EPG, SK, VOD) and for delivering the transmission signal (US) comprising this information data (EPG, VOD) and representation-describing data (SK), and delivery means (AM) for delivering the transmission signal (US), characterized in that the information data (EPG, VOD) and representation-describing data (SK) transmitted in the transmission signal (US) are written in a common Markup Language, but can be transmitted independently of one another in the transmission signal (US) **(fig. 1-2, col. 3, lines 47-60)**.

However Wang fails to disclose the VOD aspect of the received transmission signal. Cochran discloses the VOD aspect of the received transmission signal **(fig. 2, pg. 6, paragraphs 63-65).** Motivation to combine the references is due to the fact that both inventions deal with embedding and transmitting different and specific information in a broadcast signal using a markup language. The invention would have been obvious to one of ordinary skill in the art at the time of the invention.

16. Regarding claim 13, Wang discloses a sender device (1, 2, 3) characterized in that the delivery means (AM) are designed to deliver multiple sets of information data (EPG, VOD) for one set of representation-describing data (SK) **(fig. 1-2, col. 6, lines 5-17)**.

17. Regarding claim 14, Wang discloses a transmission method for transmitting a transmission signal (US) from at least one sender device (1, 2, 3) connected to a

computer network (NET) to a reception device (4, 5) connected to the computer network (NET), wherein the following steps are executed:

provision in the sender device (1, 2, 3) of the transmission signal (US) comprising information data (EPG, VOD) identifying the information content (II) of display information (AI) that can be represented on a display device (6, 7) and representation-describing data (SK) identifying the nature of the representation of information contents (II) to be represented on the display device (6, 7) **(fig. 1-3, col. 4, lines 40-50)**;

transmission of the transmission signal (US) from the sender device (1, 2, 3) via the computer network (NET) to the reception device (4, 5) **(fig. 1-2, col. 4, lines 1-20)**;

processing of the transmission signal (US) received in the reception device (4, 5) in order to enable a display of the display information to be represented, characterized in that the information data (EPG, VOD) and representation-describing data (SK) transmitted in the transmission signal (US) are provided in a common Markup Language, but can be transmitted independently of one another in the transmission signal (US), and that the processing of the transmission signal (US) received in the reception device (4, 5) takes place with only one parser (P) **(fig. 1-3, col. 4, lines 50-68, col. 5, lines 1-18)**.

However Wang fails to disclose the VOD aspect of the received transmission signal. Cochran discloses the VOD aspect of the received transmission signal **(fig. 2, pg. 6, paragraphs 63-65).** Motivation to combine the references is due to the fact that both inventions deal with embedding and transmitting different and specific information

in a broadcast signal using a markup language. The invention would have been obvious to one of ordinary skill in the art at the time of the invention.

18. Regarding claim 15, Wang discloses a transmission method characterized in that the identification data (KD) identifying the information contents (II) of the information data (EPG, VOD) is provided by the sender device (1, 2, 3) and transmitted to the reception device (4, 5) and that, in order to generate the display signal (AS), the reception device (4, 5) selects a set of representation-describing data (SK) for a set of information data (EPG, VOD) in accordance with the identification data (KD) **(fig. 1-2, col. 6, lines 1-35)**.

Claim Objections

19. Claim 12 is objected to because of the following informalities: It is unclear how claim directed to sending device also has receiving circuitry. Appropriate correction is required.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Reisman (US 2004/0031058 A1) discloses a method for browsing using alternative link bases. Nakano (US 2003/0070173 A1) discloses a digital image information device. Kimble (US 2002/0016969 A1) discloses a media on

demand system and method. Sull (2006/0064716 A1) disclose techniques for navigating multiple video streams.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Charles N. Hicks whose telephone number is 571-272-3010. The examiner can normally be reached on M-F 7:30AM to 5PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris Kelley can be reached on 571-272-7331. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

CNH

CHRIS KELLEY
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600